

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Transparency and Ethics** recommends **HB 2391**, as amended by House Committee, be amended on page 1, following line 19, by inserting:

"New Section 1. Notwithstanding the provisions of K.S.A. 75-1005(a), and amendments thereto, for the purpose of fulfilling public printing and binding requirements provided by law, the secretary of state may utilize the printing or binding services of the division of printing or, in the discretion of the secretary of state, may acquire printing or binding services in accordance with the purchasing and procurement laws applicable to state agencies.";

On page 12, in line 14, before "business" by inserting "past due"; also in line 14, by striking all after "for"; in line 15, by striking all before "and" and inserting "the immediately preceding 10 years";

On page 24, following line 29, by inserting:

"Sec. 24. On and after January 1, 2023, K.S.A. 2020 Supp. 17-76,146 is hereby amended to read as follows: 17-76,146. (a) A domestic limited liability company whose articles of organization or a foreign limited liability company whose authority to do business has been canceled or forfeited pursuant to K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or whose articles of organization or authority to do business has been forfeited pursuant to K.S.A. 17-76,139(d), and amendments thereto, may be reinstated by filing with the secretary of state a certificate of reinstatement accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual business entity information report fees due under K.S.A. 17-76,139(c), and amendments thereto, ~~and all~~

~~penalties and interest thereon due at the time of the cancellation or forfeiture of its articles of organization or authority to do business~~ for all past due reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due.

The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited and, if such name is not available at the time of reinstatement, the name under which the limited liability company is to be reinstated;

(2) the address of the limited liability company's registered office in the state of Kansas and the name and address of the limited liability company's resident agent in the state of Kansas;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the limited liability company; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the articles of organization or application for registration of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization or application for registration under K.S.A. 17-7674 or K.S.A. 2020 Supp. 17-7935, and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a limited liability company and all series thereof that have been formed and whose certificate of designation has not been canceled prior to the cancellation of the articles of organization shall be reinstated with the same force and effect as if its articles of organization or authority to do business had not been canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-

7934(f), and amendments thereto. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed by the limited liability company, its members, managers, employees and agents during the time when its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, with the same force and effect and to all intents and purposes as if the articles of organization or authority to do business had remained in full force and effect. All real and personal property, and all rights and interests, which belonged to the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or which were acquired by the limited liability company following the cancellation or forfeiture of its articles of organization or authority to do business pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, and which were not disposed of prior to the time of its reinstatement, shall be vested in the limited liability company after its reinstatement as fully as they were held by the limited liability company at, and after, as the case may be, the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2020 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. After its reinstatement, the limited liability company shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its articles of organization or authority to do business had at all times remained in full force and effect.";

Also on page 24, in line 37, by striking all after the third comma; by striking all in line 38; in line 39, by striking "designation" and inserting "for all past due reports for the immediately

preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due";

On page 32, in line 25, by striking "29" and inserting "31";

On page 33, following line 33, by inserting:

"Sec. 34. K.S.A. 45-106 is hereby amended to read as follows: 45-106. The secretary of state shall dispose of the laws passed at each session of the legislature, immediately after their publication, as follows:

*First.* Deposit in the state library such numbers of copies as are needed for use in the state library, for the purposes of the publication collection and depository system established under K.S.A. 75-2566, and amendments thereto, and for the purpose of making exchanges with the libraries of the several states and territories.

*Second.* Distribute: (a) One copy to the governor, lieutenant governor, each member of the state legislature, attorney general, secretary of state; and state historical society library, upon request therefor; (b) to each organized city of the first, second and third classes in this state requesting the same; (c) one copy each to the clerk of the United States court of appeals for the 10<sup>th</sup> circuit, to the clerk of the United States district court for Kansas and to the United States marshal for the district of Kansas, upon request therefor; (d) to the law department of the university of Kansas, not more than 10 copies and to the Washburn university school of law, not more than 10 copies, upon request therefor; (e) to the director of legislative administrative services such number of copies as such director shall request for use by the legislature; (f) to the office of revisor of statutes such number of copies as the revisor of statutes shall request for use in such office; (g) to the legislative research department such number of copies as the director of legislative research shall request for use in such office; (h) to the division of post audit such number of copies as the post auditor shall request for use in such office; (i) to the several offices

of the judicial branch of state government such number of copies as the chief justice of the supreme court shall request for use in such offices; and (j) to the supreme court law library such number of copies as the state law librarian shall request for use in the law library and for the purpose of maintaining exchanges for books, documents and publications of a legal nature for use in the law library.

*Third.* To the clerk of the board of county commissioners of each county, upon request therefor, a sufficient number of copies of the laws to be distributed by such clerk to each of the following officers in such county, allowing one for each: The district attorney or county attorney, register of deeds, county clerk, county treasurer, sheriff; and the board of county commissioners.

*Fourth.* Copies of the laws passed at each session of the legislature shall be deposited with the state librarian and such librarian is hereby authorized to furnish one copy to each high school, college, university, and public library in the state of Kansas, upon written application of its managing officer to the state librarian.

Sec. 35. K.S.A. 2020 Supp. 45-107 is hereby amended to read as follows: 45-107. (a) The secretary of state shall sell copies of the session laws at the per volume price for such copies fixed by the secretary of state under this section. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(b) Whenever the inventory of copies of any volume of the session laws exceeds 100 and a later volume of the session laws has been published, the secretary of state may dispose of copies of such volume without making a charge therefor until the inventory of such volume is reduced to 100 copies. When the inventory of any volume of the session laws is 100 copies or

less, the secretary of state, with the approval of the revisor of statutes, may dispose of copies from such inventory without making a charge therefor.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price for copies of the session laws sold under this section to recover the costs of ~~printing, binding, publishing and storing such volumes, whether published in print or electronic form~~. The secretary of state shall revise all such prices from time to time as necessary for the purposes of covering and recovering such costs.";

On page 38, following line 4, by inserting:

"Sec. 37. K.S.A. 45-315 is hereby amended to read as follows: 45-315. ~~The secretary of state shall furnish to the state printer, within twenty (20) days after the sine die adjournment of each legislative session occurring in odd-numbered years and within forty (40) days after the sine die adjournment of the legislative session occurring in even-numbered years, a copy of all acts, resolutions and other matters except the index which are required to be published and bound in the session laws, and in the form required by K.S.A. 45-301. Thereupon~~After the sine die adjournment of each legislative session, the state printer and the secretary of state shall complete preparation and printing of at least a limited number of each volume of the session laws for publication on or before July 1 of such year. The state printer shall thereafter, as rapidly as practicable, print and deliver to the secretary of state bound copies as provided by law.";

On page 41, in line 33, by striking all after "state"; in line 34, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary an amount equal to all fees and any penalties due";

On page 43, in line 9, by striking all after "state"; in line 10, by striking all before the period and inserting ", and all past due business entity information reports for the immediately

preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due";

On page 46, in line 21, by striking all after "state"; in line 22, by striking all before the period and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary an amount equal to all fees and any penalties due";

On page 47, in line 31, by striking all after "state"; by striking all in line 32; in line 33, by striking "state" and inserting ", and all past due business entity information reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due"; following line 35, by inserting:

"Sec. 47. K.S.A. 64-103 is hereby amended to read as follows: 64-103. (a) All acts of the legislature ~~which that~~ shall provide for their taking effect on publication in any newspaper or in the Kansas register shall be published in the Kansas register, which shall be deemed the official publication. Publication of the Kansas register may be in print or electronic form. Except as otherwise provided in this subsection, all proclamations, orders, notices and advertisements authorized by any state officer shall be printed and published in the Kansas register. Payment for such publication shall be made by the state at the rates prescribed by law. The provisions of this subsection shall not apply to: (1) Resolutions making propositions to amend the constitution; or (2) proclamations issued by the governor ~~which that~~ are not required by law to be issued by the governor. All proclamations issued by the governor ~~which that~~ are not published in the Kansas register shall be published on the official Kansas ~~internet~~ website.

(b) (1) For the purpose of informing the electors of the propositions to be voted on at the election thereon, the secretary of state shall cause resolutions making propositions to amend the constitution to be published in ~~one newspaper in each county of the state where a newspaper~~

is published, one newspaper in each county of the state where a newspaper is published, or, if no newspaper is published in a county, then in a Kansas-published newspaper of general circulation in each county once each week for three consecutive weeks immediately preceding the election at which the proposition is to be submitted.

(2) After such publication, the secretary of state shall certify the amount of moneys expended on such publication and shall transmit a copy of such certification to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amounts from the state general fund to the information services fee fund of the secretary of state and shall transmit a notification of such transfer to the director of legislative research and the director of the budget.

Sec. 48. K.S.A. 75-430 is hereby amended to read as follows: 75-430. (a) The secretary of state shall compile, index and publish a publication to be known as the Kansas register. Such register shall contain:

- (1) All acts of the legislature required to be published in the Kansas register;
- (2) all executive orders and directives of the governor ~~which~~that are required to be filed in the office of the secretary of state;
- (3) summaries of all opinions of the attorney general interpreting acts of the legislature as prepared by the office of the attorney general;
- (4) notice of any public comment period on contemplated modification of an existing rule and regulation, and, in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, all notices of hearings on proposed administrative rules and regulations and the full text of all administrative rules and regulations that have been adopted and filed with the secretary of state;
- (5) the full text of all administrative rules and regulations ~~which~~that have been adopted

and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto, except that the secretary of state may publish a summary of any rule and regulation together with the address of the state agency from which a copy of the full text of the proposed rules and regulations may be received, if such rule and regulation is lengthy and expensive to publish and otherwise available in published form and a summary will, in the opinion of the secretary, properly notify the public of the contents of such rule and regulation;

(6) a cumulative index of all administrative rules and regulations ~~which~~that have been adopted and filed in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto;

(7) all notices of hearings of special legislative interim study committees, ~~descriptions of all profiled bills and resolutions~~ and descriptions of all bills and resolutions introduced in the legislature during any session of the legislature, and other legislative information which is approved for publication by the legislative coordinating council;

(8) ~~the hearings docket of the Kansas supreme court and the court of appeals;~~

(9) summaries of all orders of the state board of tax appeals ~~which~~that have statewide application;

~~(10)~~(9) all advertisements for contracts for construction, repairs, improvements or purchases by the state of Kansas or any agency thereof for which competitive bids are required; and

~~(11)~~(10) any other information ~~which~~that the secretary of state deems to be of sufficient interest to the general public to merit its publication or which is required by law to be published in the Kansas register.

(b) The secretary of state shall publish such register at regular intervals, but not less

than weekly.

(c) Each ~~issue~~ publication of the register shall contain a table of contents.

(d) A cumulative index to all information required by K.S.A. 75-430 through 75-434, and amendments thereto, to be published during the previous year shall be published at least once each year.

(e) The secretary of state may omit from the register any information the publication of which the secretary deems cumbersome, expensive, or otherwise inexpedient, if the information is made available in printed or processed form by the adopting agency on application for it, and if the register contains a notice stating the general subject matter of the information and the manner in which a copy of it may be obtained.

(f) ~~One copy of each issue of~~ A subscription to the register shall be made available without charge on request to each officer, board, commission, and department of the state having statewide jurisdiction, to each member of the legislature, to each county clerk in the state, and to the supreme court, court of appeals and each district court.

(g) The secretary of state shall make ~~paper copies of a subscription to~~ the register available upon payment of a fee to be fixed by the secretary of state under K.S.A. 75-433, and amendments thereto.

Sec. 49. K.S.A. 75-433 is hereby amended to read as follows: 75-433. (a) The secretary of state may fix, charge and collect publication fees from state agencies for the publication of documents and information required or authorized by law to be published in the Kansas register.

(b) The secretary of state ~~shall~~ may sell annual subscriptions to the Kansas register and ~~shall~~ may fix, charge and collect subscription fees from subscribers.

(c) ~~On and after July 1, 1984,~~ Fees established under this section shall be fixed in amounts adequate to recover the costs of ~~printing, binding, postage and handling attributable to~~

~~the preparation and distribution of producing and distributing~~ the Kansas register.

(d) The secretary of state shall remit all moneys received by the secretary under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the state register fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

Sec. 50. K.S.A. 75-436 is hereby amended to read as follows: 75-436. (a) The secretary of state shall fix, charge and collect fees to recover the costs of delivery, including postage and handling, which are incurred in connection with the sale of volumes of the session laws, volumes and sets of the Kansas Statutes Annotated, including the cumulative supplements thereto, volumes of the permanent journals of the senate and house of representatives and volumes and sets of the Kansas administrative regulations, including the annual supplements thereto. ~~All such fees shall be fixed by rules and regulations adopted by the secretary of state.~~

(b) The secretary of state shall remit all moneys received from fees and charges under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.";

Also on page 47, following line 42, by inserting:

"Sec. 52. K.S.A. 75-1005 is hereby amended to read as follows: 75-1005. (a) Except as provided by subsection (b), the division of printing shall do all of the public printing and binding required by the legislature, the supreme court, the governor or any state agency. Any state

institution where a printing plant is already established may be permitted to do printing for the institution when approved by the director of printing. When the director of printing is of the opinion that a particular printing job should be obtained in the commercial market, such director, unless otherwise instructed by the secretary of administration, may authorize any state agency to so obtain such printing in accordance with laws relating to purchasing. ~~The provisions of this section shall not apply to contracts entered into under K.S.A. 76-392 or as otherwise provided by law.~~

(b) The secretary of state may obtain printing or binding services as provided by section 1, and amendments thereto, in the commercial market in accordance with laws related to purchasing and procurement by state agencies. The secretary of state shall not be required to obtain the authorization of the director of printing or of the secretary of administration otherwise required for state agencies under subsection (a) to obtain such printing or binding services."

On page 49, following line 23, by inserting:

"Sec. 54. K.S.A. 77-138 is hereby amended to read as follows: 77-138. (a) Volumes of the Kansas Statutes Annotated shall be printed and bound by the director of printing and delivered to the secretary of state who shall dispose of them as follows:

*First*, the secretary of state shall deposit in the supreme court law library and in the state library such number of copies as the state law librarian and the state librarian, respectively, shall request for use in the law library and the state library, for the purposes of the publication collection and depository system established under K.S.A. 75-2566, and amendments thereto, and for the purpose of making exchanges with the various states and territories, and the secretary of state shall retain one set for the secretary's use in the secretary's office.

*Second*, (1) the secretary of state shall distribute ~~two~~ one complete ~~sets~~ set of the Kansas Statutes Annotated to each new member of the legislature at each regular session, ~~one set of~~

which shall have the respective member's name and if requested by the new member, the new member's name shall be printed thereon.

(2) The secretary of state shall distribute such number of complete sets and individual volumes of the Kansas Statutes Annotated: (A) To the office of revisor of statutes as the revisor of statutes shall request; (B) to the legislative research department as the director of legislative research shall request; (C) to the division of post audit as the post auditor shall request; (D) to the division of legislative administrative services as the director of legislative administrative services shall request; and (E) to the judicial branch of state government as the chief justice of the supreme court shall request.

(3) The secretary of state shall distribute: (A) Two sets to each representative in congress and United States senator from the state of Kansas, upon request by such representative or senator; (B) one set each to the governor, lieutenant governor and attorney general; (C) to Washburn university school of law, the number of sets, not to exceed 60 sets, that the librarian of the school of law certifies to the secretary of state as necessary for the purpose of exchanging with other states and territories and to be kept in the library for the use of faculty and students of the university; (D) to the school of law of the university of Kansas, the number of sets, not to exceed 60 sets, that the librarian of the school of law certifies to the secretary of state as necessary for the purpose of exchanging with other states and territories and to be kept in the library for the use of faculty and students of the university; (E) to the clerk of the district court of the United States for the state of Kansas, the number of sets, not to exceed five sets, as are requested by such clerk; (F) one set to each county law library in the state, upon request by the librarian thereof; (G) to each county clerk, the number of sets requested by the county clerk, not to exceed seven sets, to be distributed not more than one set each to the county or district attorney, the county clerk, the county counselor, if any, the register of deeds, the sheriff, the

county treasurer, and the board of county commissioners, which set shall be retained by the county clerk for use by such board; (H) not more than one set to each city of the third class, one set to each city of the second class and two sets to each city of the first class, upon request by the city clerk; and (I) one set to the state historical society library.

*Third*, the balance of statute books, after the above distribution shall be kept by the secretary of state for sale.

(b) The secretary of state shall sell each volume of the Kansas Statutes Annotated, including replacement volumes, at the per volume price fixed therefor by the legislative coordinating council under this section. General index volumes, when sold separately and not as a part of a set of cumulative supplements, shall be sold at the per volume price fixed therefor by the legislative coordinating council. The secretary of state shall remit all moneys received from such sales under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(c) The legislative coordinating council shall fix the per volume price of each volume of the Kansas Statutes Annotated, including replacement volumes, sold under this section to recover the costs of printing and binding such volumes. The legislative coordinating council shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 55. K.S.A. 77-417 is hereby amended to read as follows: 77-417. (a) The secretary of state shall:

- (1) Endorse on each rule and regulation filed, the ~~time and~~ date of the filing thereof;
- (2) maintain a file of such rules and regulations for public inspection;
- (3) keep a complete record of all amendments and revocations of rules and regulations;
- (4) index the rules and regulations so filed; and

(5) publish the rules and regulations as hereinafter provided.

(b) The secretary of state shall have the discretion to return to the appropriate state agency or to otherwise dispose of any document or other material ~~which~~that had been adopted previously by reference and filed with the secretary of state.

Sec. 56. K.S.A. 77-430 is hereby amended to read as follows: 77-430. (a) The secretary of state shall publish the Kansas administrative regulations in an electronic or paper medium. The secretary of state shall make the Kansas administrative regulations available by request to the following:

- (1) The supreme court law library and the state library;
- (2) the law schools and law libraries of the university of Kansas and Washburn university;
- (3) each member of the legislature at the time of taking office, after election or appointment, for the member's first term of office as a member of either house of the legislature ~~which~~that commences on or after the second Monday of January in 1991, except that a term of office as a member of either house of the legislature, whether a complete or partial term of office, shall not be construed for purposes of this distribution to be the member's first term of office if such term of office is part of a continuous period of service as a member of either house of the legislature or both houses of the legislature, in any combination of consecutive terms of office;
- (4) each member of the joint committee on administrative rules and regulations;
- (5) the governor, lieutenant governor, attorney general and state historical society library;
- (6) the judicial branch of state government;
- (7) each county law library;
- (8) the city library in each city of the first and second class;

- (9) each county library;
- (10) the office of revisor of statutes;
- (11) the legislative research department;
- (12) the division of post audit; and
- (13) the division of legislative administrative services.

(b) The Kansas administrative regulations may be purchased in complete sets or in single volumes. Single volumes of the Kansas administrative regulations shall be sold by the secretary of state at the per volume price fixed by the secretary of state under this section. Complete sets of the Kansas administrative regulations shall be sold by the secretary of state at the per set price fixed therefor by the secretary of state under this section.

(c) All moneys received from such sales shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(d) The secretary of state shall fix ~~by rules and regulations~~ the per volume and complete set prices of the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether in printed or electronic form. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 57. K.S.A. 77-430a is hereby amended to read as follows: 77-430a. (a) The secretary of state shall edit and prepare for publication volumes of rules and regulations ~~which~~ that replace existing volumes of the Kansas administrative regulations within the limitations of available appropriations therefor. Replacement volumes shall be published in the same format and in accordance with the same specifications used in the volume replaced and shall be

authenticated as required by K.S.A. 77-429, and amendments thereto. Replacement volumes of the Kansas administrative regulations shall be published by the secretary of state who shall distribute and sell such replacement volumes in the same manner as provided in K.S.A. 77-430, and amendments thereto, for the distribution and sale of other volumes of the Kansas administrative regulations, except that each member of the senate or house of representatives shall receive, upon request, one copy of each replacement volume for the purpose of updating the set of the Kansas administrative regulations received at the time of taking office for the member's first term of office as a member of either house of the legislature as provided in K.S.A. 77-430, and amendments thereto.

(b) Moneys received from the sale of replacement volumes under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price, or the complete set price if more than one replacement volume is published, of any replacement volume of the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether in printed or electronic form. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 58. K.S.A. 77-431 is hereby amended to read as follows: 77-431. (a) The secretary of state shall publish and make available the annual supplements to the Kansas administrative regulations. The secretary of state shall transmit the same number of copies of each annual supplement in the same manner as provided in ~~subsection (a) of~~ K.S.A. 77-430(a), and amendments thereto, for distribution of Kansas administrative regulations, except that each

member of the senate or house of representatives shall receive, upon request, one copy of each annual supplement for the purpose of updating the set of the Kansas administrative regulations received at the time of taking office for the member's first term of office as a member of either house of the legislature as provided in K.S.A. 77-430, and amendments thereto.

The secretary of state may publish the supplements to the Kansas administrative regulations in an electronic or paper medium.

(b) Moneys received from the sale of supplements under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(c) The secretary of state shall fix ~~by rules and regulations~~ the per volume price, or the complete set price if more than one volume is published, for each annual supplement to the Kansas administrative regulations sold under this section to recover the costs of publishing and storing such volumes, whether published in an electronic or paper medium. The secretary of state shall revise such prices from time to time for the purposes of covering and recovering such costs.

Sec. 59. K.S.A. 77-438 is hereby amended to read as follows: 77-438. (a) (1) A state agency may issue a guidance document without following the procedures set forth in this act for the adoption of rules and regulations.

(2) For the purposes of this section, "guidance document" means a record of general applicability that:

(A) Is designated by a state agency as a guidance document;

(B) lacks the force of law; and

(C) states:

(i) The agency's current approach to, or interpretation of, law; or

(ii) general statements of policy that describe how and when the agency will exercise discretionary functions.

(b) A guidance document may contain binding instructions to state agency staff members except officers who preside in adjudicatory proceedings.

(c) If a state agency proposes to act in an adjudication at variance with a position expressed in a guidance document, the state agency shall provide a reasonable explanation for the variance. If an affected person in an adjudication claims to have reasonably relied on the agency's position, the state agency's explanation for the variance shall include a reasonable justification for the agency's conclusion that the need for the variance outweighs the affected person's reliance interests.

(d) Each state agency shall:

(1) Maintain an index of all of its currently effective guidance documents;

(2) publish the index on its website; and

(3) make all guidance documents available to the public; ~~and~~

~~(4) file the index in the manner prescribed by the secretary of state.~~

(e) A guidance document may be considered by a presiding officer or agency head in an agency adjudication, but such guidance document shall not bind any party, the presiding officer or the agency head.

(f) Any agency that issues a guidance document shall provide a copy of such document to the joint committee on administrative rules and regulations. Such document may be submitted electronically.";

Also on page 49, in line 24, after the comma by inserting "45-106, 45-315,"; also in line 24, by striking the first "and" and inserting a comma; also in line 24, after "56a-101" by inserting ", 64-103, 75-430, 75-433, 75-436, 75-1005, 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-

438"; in line 25, after the third comma by inserting "45-107,"; in line 31, after "17-76,139," by inserting "17-76,146,"; in line 32, by striking "29" and inserting "31";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "business entities" and inserting "the secretary of state; relating to duties and responsibilities thereof"; also in line 1, by striking "biannual" and inserting "biennial"; in line 8, after the semicolon by inserting "publication and distribution of session laws, the Kansas register, proposed amendments to the constitution of the state of Kansas and Kansas administrative rules and regulations; permitting use of printing and binding services from the commercial market;"; in line 9, after the fourth comma by inserting "45-106, 45-315,"; in line 10, after the first comma by inserting "64-103, 75-430, 75-433, 75-436,"; also in line 10, by striking the first "and" and inserting ", 75-1005,"; also in line 10, after "75-3520" by inserting ", 77-138, 77-417, 77-430, 77-430a, 77-431 and 77-438"; in line 13, after "17-76,139," by inserting "17-76,146,"; in line 14, by striking "29" and inserting "31"; in line 15, after the first comma by inserting "45-107,"; and the bill be passed as amended.

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Chairperson